

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION

NELSON AVELAR,

Plaintiff,

v.

BMW OF NORTH AMERICA, LLC, a
Delaware Limited Liability Company;
FINCHEY CORPORATION OF
CALIFORNIA, a California
Corporation dba PACIFIC BMW, and
DOES 1 through 10,

Defendants.

Case No. 2:17-cv-04693 PJW

JUDGMENT

Judge: Hon. Patrick J. Walsh

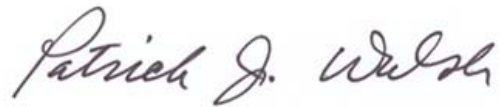
Action Filed: August 10, 2018

Plaintiff Nelson Avelar (“Plaintiff”) has accepted a Federal Rule of Civil Procedure 68 Offer of Judgment from Defendant BMW of North America, LLC (“Defendant” or “BMW NA”). (Dkt. 113). The Court hereby **ORDERS** that:

1. Judgment is entered in favor of Plaintiff and against Defendant.
2. BMW NA will pay Plaintiff the sum of eighty three thousand seven hundred eighty-two dollars and twenty cents (\$83,782.20).
3. Plaintiff will file a Request for Dismissal of the entire action, with prejudice, within 5 business days after receiving all payments from

1 BMW NA due Plaintiff and Plaintiff's counsel and those payments
2 clearing the normal banking cycle.

- 3 4. In exchange for the aforementioned payment listed in paragraph two
4 by BMW NA, Plaintiff shall transfer title, possession, and control of
5 the 2011 BMW 328i, VIN WBAPH5G50BNM75401 that is the
6 subject of this action to BMW NA.
- 7 5. The Court will retain jurisdiction to enforce this Offer of Judgment
8 under FRCP 41(a).
- 9 6. The only remaining issue to be resolved is an award of attorney fees
10 and costs. Plaintiff shall be entitled to recover reasonable attorney fees
11 and costs in an amount to be agreed upon, or at Plaintiff's election, in
12 the amount to be determined by the Court to have been reasonably
13 incurred pursuant to Civil Code Section 1794(d). For purposes of any
14 such motion, BMW NA will agree that Plaintiff is the prevailing party.

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17 Dated: November 20, 2019

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19 Hon. Patrick J. Walsh
20 United States District Court, Central District
21 of California – Western Division
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